

Under Rule 59(b) of the Federal Rules of Criminal Procedure, a district judge must consider de novo any portion of the M&R to which objection is properly made.

Defendant objects to the M&R recommending denial of his motion to suppress, noting the following specific objections: (1) defendant objects to the court's finding that law enforcement officers had probable cause to conduct a warrantless search of Mr. Davis's car—after he was arrested while driving up the street from the house that was being searched and after law enforcement moved the car back to the house and (2) defendant objects to the court's finding that law enforcement was not required to re-Mirandize Mr. Davis at the beginning of his second custodial interview.

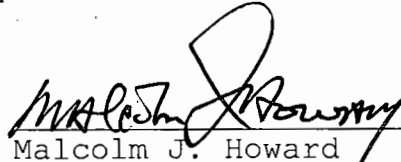
The court has conducted de novo review of each of the matters to which defendant objects. After careful consideration, the court finds the magistrate judge has made proper and correct findings and conclusions and finds the objections to be without merit.

This court, having conducted a de novo review of the M&R and other documents of record, finds the recommendations of the magistrate judge are in accordance with the law and should be approved.

Accordingly, the court hereby adopts the recommendations of the magistrate judge as its own; and, for the reasons stated

therein, the defendant's motions to suppress [DE #46, #47] are hereby DENIED. Defendant's request for leave [DE #71] is GRANTED.

This 20th day of May 2019.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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